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**BRINKS
HOFER
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& LIONE**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln of: Kenneth W. Nimmons

U.S. Patent Application Serial
No.: 09/820,091

Art Unit: 3711

U.S. Filing
Date: March 28, 2001

For: BASEBALL BASE WITH IDENTIFICATION

Examiner: Aryanpour, Mitra

Attorney Docket No: 2817/228

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Appeal Brief (in triplicate).
- ☒ Return Receipt Postcard

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- ☐ No additional fee is required.
- ☒ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
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					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+ \$290=	
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- ☒ A check in the amount of \$165.00 to cover the filing fee is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$. A copy of this Transmittal is enclosed for this purpose.
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- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

June 25, 2004
June 25, 2004

John C. Freeman
John C. Freeman (Reg. No. 34,483)

"Express Mail" mailing label number: EV 330129110 US

Date of Deposit: June 25, 2004



Patent
Case No. 2817/228

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Kenneth W. Nimmons)
) Art Unit: 3711
Serial No.: 09/820,091)
) Examiner: Aryanpour, Mitra
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)
WITH IDENTIFICATION)

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal is in response to the Final Office Action mailed November 24,
2003.¹

06/30/2004 YPOLITE1 00000011 09820091

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¹ Appellant filed a Notice of Appeal on April 26, 2004. Appellant also filed on April 26, 2004, a Petition for an Extension of Time in the amount of two months. Accordingly, the present Appeal Brief is timely filed.

I. REAL PARTY IN INTEREST

HOS Development Corporation is the real party of interest in this Appeal pursuant to an assignment of the above-identified application to HOS Development Corporation by the inventor.

II. RELATED APPEALS AND INTERFERENCES

The undersigned, John C. Freeman, is not aware of any other appeals or interferences that would directly affect or be directly affected by or have a bearing on the Board's decision in the pending Appeal.

III. STATUS OF CLAIMS

The status of the claims is as follows:

Claims 1, 14 and 19-31 are canceled.

Claim 6 is withdrawn from further consideration.

Claims 2-4, 7-11, 13, 15-18, 32-40, 42, 43 and 45-55 are finally rejected under 35 U.S.C. § 103(a) for being obvious in view of U.S. Patent No. 5,000,447 to Bartoli, page 200 of "SPORTS – The Complete Visual Reference Book" (hereinafter "the SPORTS book") and U.S. Patent No. 5,584,133 to Motooka et al.

Claims 5, 12, 41, 44 and 56 are finally rejected under 35 U.S.C. § 103(a) for being obvious in view of Bartoli, the SPORTS book, Motooka et al. and U.S. Patent No. 6,200,239 to Kennedy, III et al.²

IV. STATUS OF AMENDMENTS

An Amendment to the claims was filed on September 10, 2003, in response to the Non-Final Office Action of April 10, 2003. A Final Office Action was mailed on November 24, 2003. Appellant filed a Notice of Appeal regarding the Final Office Action on April 26, 2004. Appellant has not filed any Amendments in response to the November 24, 2003, Final Office Action.

V. SUMMARY OF INVENTION

An understanding of the presently claimed invention can be made upon a review of the embodiments of the invention shown in FIGS. 1-11 of the specification. Note that in the description to follow, like elements will employ identical identification numerals.

FIGS. 1-6 show a base 20 to be used in either baseball or softball (Page 2, lines 29-30). As shown in FIG. 5, the bottom 22 of the base 20 includes a square-like recess 24 that is bounded by square-like lip 26 (Page 2, line 30 – Page 3, line 1). An opening 36 is formed directly below the sides 28, 30, 32 and 34 (Page 3, lines 2-3).

² The Final Office Action, mailed November 24, 2003, incorrectly listed claim 6 in this rejection. On August 21, 2003, Appellant filed a Response to Restriction Requirement wherein the invention of claims 1-18 was elected and the species of FIGS. 10 and 11 was further elected. Appellant incorrectly asserted that claims 1-6 and 8-18 corresponded to the elected species. In the subsequent Office Action mailed on September 12, 2002, the error was corrected by identifying claims 1-5 and 8-18 corresponded to the elected species and considered claims 6 and 19-31 being withdrawn from consideration.

As shown in FIG. 5, the base 20 further includes a metal post 42 that is attached to the center of the bottom 22 of the base 20 (Page 3, lines 6-7). The post 42 is inserted into an opening 44 of a central support 46 that is welded to the center of a square-like metal plate 48 (Page 3, lines 7-9). Once inserted, the post 42 is welded to the central support 46 (Page 3, line 9).

The metal plate 48 is placed into the recess 24 so that the edge 58 of the plate 48 extends into the opening 36 and lies above the lip 26 (Page 3, lines 12-13). Once the edge 58 is inserted into the opening 36, the lip 26 is secured to the plate 48 by screws 60 that are inserted through aligned holes of metal brackets 62, the lip 26 and the plate 48 (Page 3, lines 13-16). The screws 60 engage the holes of the plate 48 (Page 3, line 16). The fully formed base 20 is shown in FIGS. 1-4 (Page 3, lines 16-17).

The base 20 is anchored or fixed in position for play by inserting the post 42 into a retaining sleeve 64 buried in the ground (base path) (Page 3, lines 18-19). As shown in FIG. 6, the top of sleeve 64 extends just below ground level (Page 3, lines 19-20). The post 42 and sleeve 64 are preferably non-circular in cross section to avoid rotation of the base 20 (Page 3, lines 20-21). The base itself 20, with the post 42 attached, may be removed after the conclusion of play, for safe keeping or use elsewhere, but the anchoring sleeve remains in place (Page 3, lines 21-23).

The top face 66 of the base 20 is contoured to slope downwardly at its edges so as to have a slightly rounded top or crown 68 (Page 3, lines 24-25). The top or upper face 66 of the base 20 may be provided with traction improving grooves or ridges to

assist base runners (Page 3, lines 26-28). The base 20 is also rigid enough to withstand being stepped upon or run over without deforming (Page 3, lines 28-29).

The size and general shape of the base 20 are preferably standard in that the base 20 is preferably square-like in shape (Page 3, lines 30-31). Accordingly, the rectangular sidewalls 72, 74, 76 and 78 are identical in shape (Page 3, line 31 – Page 4, line 1).

The base 20 preferably is made of rubber or other resiliently deformable material of a hardness in the range of 50 to 70, as measured by a Shore durometer (Page 4, lines 3-4). The particular hardness can be selected to correspond in general to the average age and consequently the weight of the players (Page 4, lines 5-6). A more resilient (softer) base would be used by lighter weight players, and a less resilient material would be used by adult players (Page 4, lines 6-8).

As shown in FIGS. 1, 3 and 7-9, the sidewalls 72 and 78 include a rectangular cutout 80 that is centrally located in the sidewall (Page 4, lines 9-10). The cutout 80 is dimensioned so as to receive an identification label 82 (Page 4, line 12). As shown in FIGS. 1 and 3, the identification label 82 has dimensions similar to that of the cutout 80 and is made of a clear plastic so that indicia and/or symbols 84 can be seen through the plastic (Page 4, lines 12-15). The identification label 82 is constructed with a photopolymer coating applied over a printed image of the indicia and/or images 84 (Page 4, lines 15-16). The end result is a domed three dimensional identification label 82 that heals itself if scratched or indented while safeguarding the quality of the image it creates (Page 4, lines 16-18).

As shown in FIGS. 1 and 3, the identification label 82 is inserted into the cutout 80 so that the indicia and/or symbols 84 are visible (Page 4, lines 19-20). Examples of possible indicia are a team logo/name, a league logo/name, a corporate logo/name or a name of a sporting event (Page 4, lines 20-22). The identification label 82 is attached to the base 20 by using an adhesive that is applied to the back of the identification label 82 and makes contact with a rear wall of the cutout 80 (Page 4, lines 22-24).

While the above example regards having identification labels 82 for side walls 72 and 78, it is understood that similar identification labels 82 can be attached to one or more of the other side walls 74, 76 or to the top face 66 by inserting the identification labels 82 into cutouts formed in those side walls or top face that are similar to cutout 80 described above (Page 4, lines 25-29). Furthermore, multiple identification labels 82 can be attached to a single sidewall or the top face 66 by forming multiple cutouts 80 in the sidewall or top face (Page 4, lines 29-30).

Note that it is also possible to retrofit existing bases with one or more identification labels 82 by forming one or more cutouts, like cutout 80, in the side wall(s) or top face of the existing base (Page 4, line 30 – Page 5, line 1). Next, identification label(s) 82 are placed in the formed cutouts and attached therein via an adhesive in a manner similar to that described previously (Page 5, lines 1-3).

A second embodiment of a baseball base is shown in FIGS. 10 and 11 (Page 5, line 6). The baseball base 20' is almost identical in structure with the baseball base 20 of FIGS. 1-9 (Page 5, lines 6-7). The one difference in structure is that an identification label in the form of a release paper 100 (indicated by dashed lines) with a screen print image 102 is added to the top of the base 20 (Page 5, lines 8-10). The release paper

100 with the screen print image 102 is placed on top of the base and then the release paper 100 is heat transferred onto the top of the base by heating the release paper 100 to a temperature of approximately 325°F for approximately 3 minutes (Page 5, lines 10-13). Note that while FIG. 10 shows the release paper 100 attached to the top of the base 20', the release paper 100 can be attached to any one of the side walls 72, 74, 76 and 78 in the same manner described above (Page 5, lines 18-20).

A variation of the base 20' shown in FIG. 10 is not to use the cutouts and inserts for the identification label and instead only use one or more release labels 100 with a screen print image thereon as described previously (Page 5, lines 23-25).

Note that it is also possible to retrofit existing bases with one or more identification labels embodied as a release paper 100 with screen print image 102 (Page 5, lines 26-27). Such retrofitting involves placing one or more release papers 100 with screen print images 102 onto one or more side wall(s) or the top face of the existing base (Page 5, lines 27-29). Next, the release papers 100 are heat transferred onto the existing base in the manner described above (Page 5, lines 29-30).

In summary, the identification labels shown in FIGS. 1-11 allow for a baseball or softball base to easily become a collector's item (Page 6, lines 5-6). For example, a special sporting event, such as the opening of a new stadium or a closing of a stadium can be marked on the base 20 or 20' and then sold to an interested party (Page 6, lines 6-8). In addition, an event, such as the World Series, can be identified on the base 20 or 20' and player autographs be applied to the base to further enhance the value of the specific game used product (Page 6, lines 8-10). These examples show how particular

pieces of sports history can be specifically preserved and identified in a field equipment product of the game or special event, such as a base (Page 6, lines 10-12).

VI. ISSUES

There are two issues presented for review:

The first issue is whether claims 2-4, 7-11, 13, 15-18, 32-40, 42, 43 and 45-55 are obvious under 35 U.S.C. § 103(a) in view of Bartoli, the SPORTS book and Motooka et al.

The second issue is whether claims 5, 12, 41, 44 and 56 are obvious under 35 U.S.C. § 103(a) in view of Bartoli, the SPORTS book, Motooka et al. and Kennedy, III et al.

VII. GROUPING OF CLAIMS

Appellant considers the patentability of claims 2-4, 7-11, 13, 15-18, 32-40, 42, 43 and 45-55 to stand or fall together. The patentability of claims 5, 12, 41, 44 and 56 stand or fall together.

VIII. ARGUMENT

(iv) Rejection under 35 U.S.C. § 103(a)

1. Bartoli, the SPORTS book and Motooka et al.

Claims 2-4, 7-11, 13, 15-18, 32-40, 42, 43 and 45-55 were finally rejected in the Final Office Action of November 24, 2003, under 35 U.S.C. § 103(a) as being obvious in view of Bartoli, the SPORTS book and Motooka et al.

The Examiner in the Final Office Action conceded that Bartoli is silent as to the use of identification labels on the top and/or sidewall of the base. The Examiner conceded that the method and means for applying and positioning a printed image or indicia on the modified base of Bartoli was not expressly disclosed. The Examiner further asserted that it would have been obvious in view of the SPORTS book to have included an identification label for the base of Bartoli in order to design the base for a particular team or to advertise a particular company.

Appellant traverses this rejection. Independent claims 7, 8, 42 and 43 each recite a base having a cutout formed in either a top face (claims 7 and 42) or a side wall (claims 8 and 43) into which an identification label is inserted. In contrast, the base shown in the SPORTS book does not disclose nor suggest forming a cutout in either a top face or a side wall of Bartoli's base and inserting an identification label therein. It is noted that the Final Office Action failed to identify any cutout formed in a base disclosed in the SPORTS book.

Motooka et al. does not cure the deficiencies of Bartoli and the SPORTS book. While Motooka et al. discloses inserting a nameplate 10 in a glove, Motooka et al. is directed to non-analogous art and so cannot be combined with either Bartoli or the base shown in the SPORTS book.

The two-fold test for non-analogous art is as follows:

A reference is analogous if it is from the same field of endeavor as the invention. Similarity in the structure and function of the invention and the prior art is indicative that the prior art is within the inventor's field of endeavor. If a reference is outside the inventor's field of endeavor, it is still analogous art if the reference is reasonably pertinent to the particular problem with which the inventor is involved. State

Contracting & Engineering Corp. v. Condotte America, Inc.,
346 F.3d 1057, 1069, 68 USPQ2d 1481, 1489 (Fed. Cir.
2003); In re Clay, 966 F.2d 656, 658-59, 23 USPQ2d 1058,
1060 (Fed. Cir. 1992).

Upon applying the first part of the test, it is apparent that Motooka et al. is not within Appellant's field of endeavor. Appellant's claimed invention is in the field of baseball or softball bases. In contrast, Motooka et al. is directed to the field of baseball gloves.

Besides not being within Appellant's field of endeavor, Motooka et al. is not reasonably pertinent to the particular problem with which the Appellant is involved. As stated on page 1 of Appellant's specification, one of the problems attempted to be solved is that bases do not have the ability to be identified as a game or event specific item that would make it a collectible item.

Upon reviewing Motooka et al., it is apparent that Motooka et al. does not address Appellant's problem. In particular, Motooka et al. is directed to solving the problem that it is difficult to exchange a player's uniform number, playing position or name that is formed on a baseball glove (Col. 1, ll. 14-28). Since Motooka et al. is not reasonably pertinent to Appellant's particular problem, Motooka et al. fails the second part of the test. Accordingly, it is respectfully submitted that a person having ordinary skill in the art of designing improved bases would not, without other suggestion, turn to the completely non-analogous art of baseball gloves to find answers for improving bases.

It is noted that the Examiner has indicated that Motooka et al. is in the field of personalizing baseball paraphernalia. This characterization is overbroad. Motooka et al. is in the field of personalizing baseball catching devices and is not related to

baseball bases at all. For the above reasons alone, Appellant respectfully submits that the rejections of claims 2-4, 7-11, 13, 15-18, 32-40, 42, 43 and 45-55 should be withdrawn and the claims should be allowed.

Even if Motooka et al. is considered to be analogous art, the rejection is improper because there is no motivation to use Motooka et al.'s nameplate 10 on Bartoli's base. In particular, Motooka et al.'s structure includes a fitting 3 that extends beyond the leather surface of its glove (See FIGS. 2 and 4-8). Having a fitting extend above the top surface of Bartoli's base could lead to players tripping on the fitting. Having the fitting extend beyond the side wall of Bartoli's base could lead to the cleats of the player catching on the fitting and possibly leading to injury. In addition, having the fitting extending beyond the top or side surfaces of Bartoli's base would render the base illegal for use during a regular baseball or softball game. Such a fitting would lessen the distance that a base runner would need to reach in order to touch the base. This would give the base runner an advantage not contemplated by the rules of baseball or softball. Since there is no motivation to use a nameplate on Bartoli's base per the teachings of Motooka et al., Appellant respectfully submits that the rejection of claims 2-4, 7-11, 13, 15-18, 32-40, 42, 43 and 45-55 should be withdrawn and the claims should be allowed.

Since the SPORTS book also does not disclose nor suggest altering Bartoli's base to include a cutout to have an identification label inserted therein, Appellant respectfully submits that the rejection should be withdrawn and the claims should be allowed.

2. Bartoli, SPORTS book, Motooka et al. and Kennedy III, et al.

Claims 5, 12, 41, 44 and 56 were rejected in the Final Office Action of November 24, 2003, under 35 U.S.C. § 103(a) as being obvious in view of Bartoli, the SPORTS book, Motooka et al. and Kennedy, III et al.³ Appellant traverses this rejection for several reasons.

First, claims 5, 12, 41, 44 and 56 depend directly or indirectly on independent claims 7, 8, 42 and 43. As mentioned above in Section VIII (iv) 1. regarding Bartoli, the SPORTS book and Motooka et al., neither reference suggests altering Bartoli's base to include a cutout to have an identification label inserted therein. Furthermore, Motooka et al. is directed to non-analogous art. Kennedy, III et al. does not cure the deficiencies of Bartoli, the SPORTS book and Motooka et al. since Kennedy, III et al. does not suggest forming a cutout in Bartoli's base to have an identification label inserted therein. Without such suggestion, the rejection is improper and should be withdrawn.

The rejection should be withdrawn for the additional reason that Kennedy, III et al. is directed to non-analogous art. In particular, Kennedy, III et al.'s field of endeavor is in the field of gameballs (Col. 1, ll. 11-13), such as basketballs, while Appellant's claimed invention is in the field of baseball or softball bases. It is noted that the Examiner has indicated that Kennedy, III et al. is in the field of applying indicia to sports paraphernalia. As with Motooka et al., this characterization is overbroad. Kennedy, III et al. is in the field of gameballs and is not related to baseball bases at all. Besides not being within the field of the Appellant's endeavor, Kennedy, III et al. is not reasonably


³ Claim 6 was incorrectly rejected in the Final Office Action of November 24, 2003, per the reason given in footnote 2.

pertinent to Appellant's particular problem that bases do not have the ability to be identified as a game or specific item that would make it a collectible item. In contrast, Kennedy, III et al. is directed to the problem of placing a medallion on a gameball (Col. 1, ll. 16-47). Since Kennedy, III et al. is directed to non-analogous art, the rejection is improper and should be withdrawn.

In summary, Appellant respectfully submits that claims 2-5, 7-13, 15-18 and 32-56 are improperly rejected under 35 U.S.C. § 103(a), because neither the SPORTS book, Motooka et al. nor Kennedy, III et al. discloses or suggests forming a cutout in either the top face or a side wall of Bartoli's base and inserting an identification label therein. The rejections are improper for the additional reason that Motooka et al. and Kennedy, III et al. are directed to non-analogous art and so cannot be combined with either Bartoli or the base shown in the SPORTS book.

Consequently, Appellant respectfully submits that the rejections should be withdrawn and the claims should be allowed.

Respectfully submitted,



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Dated: June 25, 2004

IX. APPENDIX

2. The base of claim 7, wherein said identification label comprises indicia.
3. The base of claim 2, wherein said indicia comprises a team logo.
4. The base of claim 2, wherein said indicia comprises a league logo.
5. The base of claim 2, wherein said identification label comprises: a photopolymer coating applied over a printed image of indicia.
7. A base for use during the play of baseball or softball, comprising:
 - a bottom;
 - a top face;
 - a side wall attached to said bottom and said top face,
 - an identification label attached to said top face; and
 - wherein said top face comprises a cutout into which said identification label is inserted.
8. A base for use during the play of baseball or softball, comprising:
 - a bottom;
 - a top face;
 - a side wall attached to said bottom and said top face,
 - an identification label attached to said side wall; and
 - wherein said sidewall comprises a cutout into which said identification label is inserted.
9. The base of claim 8, wherein said identification label comprises indicia.
10. The base of claim 9, wherein said indicia comprises a team logo.
11. The base of claim 9, wherein said indicia comprises a league logo.

12. The base of claim 9, wherein said identification label comprises:
a photopolymer coating applied over a printed image of indicia.
13. The base of claim 7, further comprising:
a second sidewall attached to said sidewall, said bottom and said top face;
a third side wall attached to said second side wall, said bottom and said top face; and
a fourth sidewall attached to said sidewall, said third sidewall, said bottom and said top face.
15. The base of claim 7, further comprising a post attached to said bottom.
16. The base of claim 15, further comprising a plate attached to said post;
and
wherein said bottom comprises a lip that defines an opening into which a portion of said plate is inserted.
17. The base of claim 7, wherein said base is made of a resiliently deformable material.
18. The base of claim 17, wherein said resiliently deformable material is rubber.
32. The base of claim 13, wherein said side wall, said second side wall, said third side wall and said fourth side wall define a square-like shape.
33. The base of claim 8, further comprising:
a second sidewall attached to said sidewall, said bottom and said top face;
a third side wall attached to said second side wall, said bottom and said top face; and

a fourth sidewall attached to said sidewall, said third sidewall, said bottom and said top face.

34. The base of claim 33, wherein said side wall, said second side wall, said third side wall and said fourth side wall define a square-like shape.

35. The base of claim 8, further comprising a plate attached to said post; and

wherein said bottom comprises a lip that defines an opening into which a portion of said plate is inserted.

36. The base of claim 8, wherein said base is made of a resiliently deformable material.

37. The base of claim 36, wherein said resiliently deformable material is rubber.

38. The base of claim 43, wherein said identification label comprises indicia.

39. The base of claim 38, wherein said indicia comprises a team logo.

40. The base of claim 38, wherein said indicia comprises a league logo.

41. The base of claim 38, wherein said identification label comprises: a photopolymer coating applied over a printed image of indicia.

42. A base for use during the play of baseball or softball, comprising:
a bottom;
a top face;
a first side wall attached to said bottom and said top face,
a second sidewall attached to said first sidewall, said bottom and said top face;

a third side wall attached to said second side wall, said bottom and said top face;

a fourth sidewall attached to said first sidewall, said third sidewalk, said bottom and said top face;

an identification label attached to either said top face or said first sidewalk; and

wherein said first side wall, said second side wall, said third side wall and said fourth side wall define a square-like shape and, wherein said top face comprises a cutout into which said identification label is inserted.

43. A base for use during the play of baseball or softball comprising:

a bottom;

a top face;

a first side wall attached to said bottom and said top face,

a second sidewall attached to said first sidewall, said bottom and said top face;

a third side wall attached to said second side wall, said bottom and said top face;

a fourth sidewall attached to said first sidewall, said third sidewall, said bottom and said top face;

an identification label attached to either said top face or said first sidewall; and

wherein said first side wall, said second side wall, said third side wall and said fourth side wall define a square-like shape and, wherein said sidewall comprises a cutout into which said identification label is inserted.

44. The base of claim 43, wherein said identification label comprises:

a photopolymer coating applied over a printed image of indicia.

45. The base of claim 43, further comprising a post attached to said bottom.

46. The base of claim 45, further comprising a plate attached to said post;
and

wherein said bottom comprises a lip that defines an opening into which a portion of said plate is inserted.

47. The base of claim 43, wherein said base is made of a resiliently deformable material.

48. The base of claim 47, wherein said resiliently deformable material is rubber.

49. The base of claim 42, further comprising a post attached to said bottom.

50. The base of claim 49, further comprising a plate attached to said post;
and

wherein said bottom comprises a lip that defines an opening into which a portion of said plate is inserted.

51. The base of claim 42, wherein said base is made of a resiliently deformable material.

52. The base of claim 51, wherein said resiliently deformable material is rubber.

53. The base of claim 42, wherein said identification label comprises indicia.

54. The base of claim 53, wherein said indicia comprises a team logo.

55. The base of claim 53, wherein said indicia comprises a league logo.
56. The base of claim 53, wherein said identification label comprises:
a photopolymer coating applied over a printed image of indicia.